

## REMARKS

Claims 1, 2, 5-10, 12 and 14-33 are currently pending. Claims 3-4, 11 and 13 were cancelled in a previous amendment.

### 1. Response to Claim Rejections under 35 USC §112 First Paragraph

The Examiner has rejected claim 23 under 35 USC §112 First Paragraph as failing to comply with the written description requirement. The Examiner argues that Figure 8 and the corresponding text only support the claimed limitation of the second series of user word or phrase menu selection are based upon a user profile associated with the user.

The application discloses a system that produces a plurality of menus. Specific examples include a sequence of eleven menus related menus. Each of the subsequent menus is related to the previous menu. (Application paragraphs 0056 – 0068, Figs. 7A-7M.) The applicant submits that the claim term “first menu” is not limited to the initial menu of a sequence. In the example, the initial menu is a listing of general topics and the user selects airlines. The user then selects a series of menu listings to create the phrase, “[I would like to] [fly] [from San Francisco] [to New York’s] [La Guardia airport] [and depart] [on December] [28] [at or before] [8pm.]” The applicant submits that the claim term “first menu” can be any one of these menu listings other than the last listing since the claim term “second menu” is based upon the first selection in the first menu. The second menu can be any one of the menu listing that is subsequent and based upon the first selection from the first menu.

The section of the application that discloses using a user profile and a prior menu selection for generating a series of words or phases is paragraph 0072 with reference to Fig. 8. The application discloses that the menu generating system 800 includes a menu generator 802 and a word or phase database 804. Fig. 8 illustrates that the user profile and prior menu selection are fed to the menu generator 802 which is coupled to the word or phase database 804. The “next menu” is the output of the menu generator 802.

The applicant submits that the disclosed menu generator is a component in the inventive information system disclosed in other parts of the application. In one example of an information system disclosed by the application, a knowledge retrieval system includes a query builder server 908 that is configured to generate menus for a requesting device. (Application, paragraph 0072, Fig. 9.) The applicant submits that the menu generator disclosed in paragraph 0072 with reference to Fig. 8 can be a component of the query building server 908 and would provide the described function of generating menus. For these reasons, the applicant submits that claim 23 is not invalid under 35 USC §112 First Paragraph because the written description requirement is satisfied by the specification.

## 2. Response to Claim Rejections under 35 USC § 112 Second Paragraph

Claim 14 was rejected under 35 USC § 112 Second Paragraph as being indefinite because there is insufficient antecedent basis for the limitation “constructing step (b).” The applicant has amended claim 14 to change the limitation constructing step (b) to constructing step (e). The applicant submits that the amended limitation has a proper antecedent basis.

## 3. Response to Claim Rejections Under 35 USC § 102(e)

Claims 1-2, 5-9 and 29-32 were rejected under 35 USC § 102(e) as being anticipated by Narasimhan, US Patent No. 6,237,145 because all limitations of these claims are disclosed.

The Examiner argues that Narasimhan discloses the limitation of obtaining a second menu list of words or phrases based on the first selection of at least one of the words or phrases in the first menu list and the user profile information. In support of this argument, the Examiner cites a specific section of Narasimhan which has been reproduced below with the associated figures.

Preferably, in any sub-menu, the order of presentation of the choices that the user may select from is based on the user profile for the user. For example, if the user profile for the user indicates that the user usually chooses a first store and almost never chooses a second, similar store, the user profile for the user would require that the first store be listed or ordered before the second store if both stores appear in the same sub-menu.

Preferably, the system is dynamic and can create user-specific hierarchical branches based on the user profile for the user. For example, if the user frequently selects promotions from a particular store, those frequently selected promotions may be organized into a specific sub-menu under a sub-menu relating to the particular store.

Narasimhan, Col. 5, line 66 to Col. 6, line 12.

The applicant submits that while Narasimhan discloses organizing the second menu list based upon the user profile, there is no disclosure of obtaining the content of the second menu list based upon the user profile. Narasimhan discloses that the second listing includes a first store typically selected by the user and a second store never selected, then the first store will be listed first. The applicant submits that the organization of the listing is not the content of the listing. Narasimhan also discloses that if the user selects promotions from a specific store, these promotions may be organized in a sub-menu. The applicant again submits that the organization of promotions is not the content of the sub-menu listing. For these reasons, the applicant submits that Narasimhan does not disclose the limitation of obtaining a subsequent menu of words or phrases based on the initial user menu selection and user profile information associated with the user. Claims 2 and 5-9 depend from claim 1 and are not unpatentable over Narasimhan for the same reasons discussed with regards to claim 1.

Claim 29 also includes the limitation of obtaining a second menu list of words or phrases based on the first selection of at least one of the words or phrases in the first menu list and the user profile information. The applicant submits that Narasimhan does not disclose or suggest a menu of words and phrases based upon the user profile associated with the user. The applicant submits that claim 29 is not unpatentable over Narasimhan. Claims 30-32 depends from claim 29 and are similarly not unpatentable over Narasimhan for the same reasons discussed above in claim 1.

4. Response to Claim Rejections Under 35 USC § 103(a)

Claims 1-2, 5-10 and 23-33 are rejected under 35 USC § 103(a) as being unpatentable over Wilson (US 6,460,031) in view of Gobburu (US 6,736,322). The Examiner has argued that Wilson discloses a system for generating a query interface to a database. The Examiner also states that Gobburu teaches receiving user profile information associated with a user formulating the queries and suggests that it would have been obvious to formulate queries based on user profile information. (Office Action, Page 3.)

The pending application was filed on December 6, 2001 and claims priority to provisional application no. 60/286,259 which was filed on April 24, 2001 and provisional application no. 60/254,298 which was filed on December 8, 2000. In the Office Action, the Examiner states that Provisional Application no. 60/252,101 upon which Gobburu claims priority was attached to the Office Action, however this document was not enclosed with the Office Action.

Claims 1-2, 5-10 and 23-33 are distinguished from Wilson and Gobburu. Specifically, the claims include the limitations that the receiving of the first selection from the first menu list and the receiving of the second selection from the second menu list are from the user.

In the Office Action, the Examiner argues that Gobburu teaches the user using a mobile communications device to access a home account to cause various top level folders which is the first menu list on the My Transaction database to be displayed as shown in Fig. 4. The Examiner goes on to argue that the user can then choose any subordinate folders which he equates to the second menu list. Thus, if the user selects “Travel” in the first group listing in Fig. 4, the second listing shown in Fig. 5 will appear. The Examiner argues that the second menu list is from the first menu list and the user profile information.

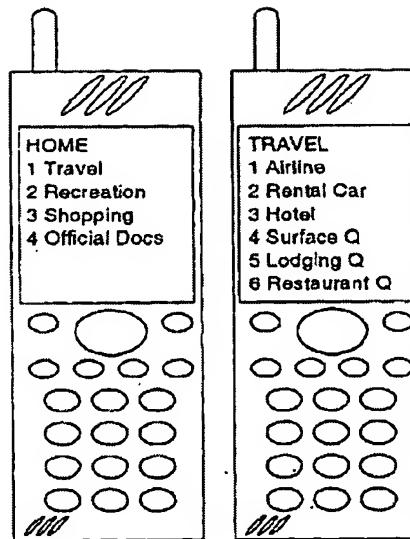


FIG. 4

FIG. 5

The applicant respectfully disagrees. In the example specified by the Examiner, the second list includes the choices 1 Airline, 2 Rental Car, 3 Hotel, Surface Q, 5 Lodging Q and 6 Restaurant Q. The entire second listing shown in Figure 5 is a generic listing. There is no disclosure in the cited portions of Gobburu that the second listing is personalized based upon the user's profile as argued by the Examiner.

In contrast to user selections, Gobburu discloses a profile and schedule matching function that is a computer program that automatically generates queries to a database based on the user profile. The steps of receiving of the first selection from the first menu list and receiving of the second selection from the second menu list are therefore from the computer and independent from the user's data input through a menu selection.

The applicant submits that the profile and schedule matching function does not generate any information used to produce a menu of user options. The entire description of the mobile advertising and coupons application is reproduced below.

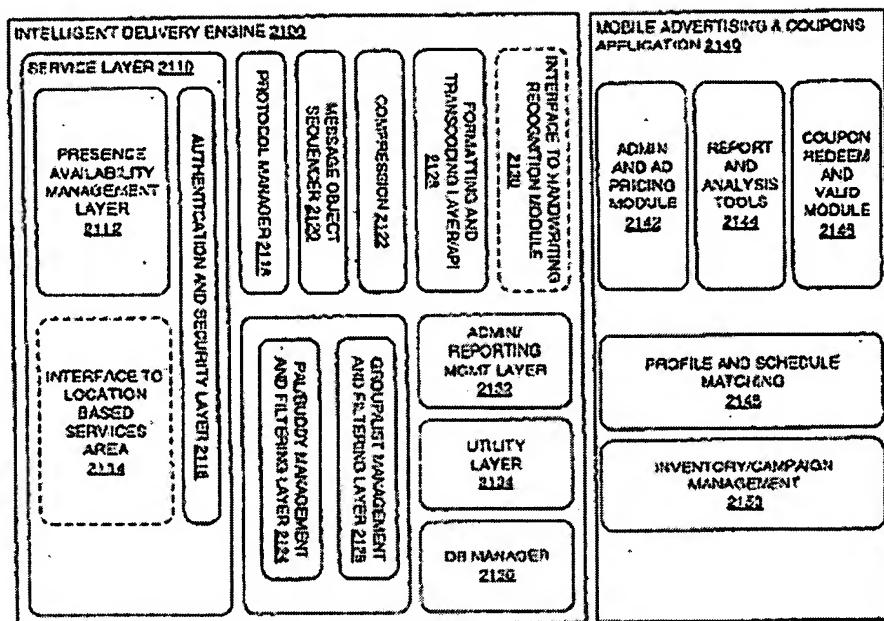


FIG. 21

A profile and schedule matching function 2148 generates queries to the My Transactions database based on user profile and user schedule information. The inventory and campaign management function 2150 generates various queries to external databases. For example, the user may request coupons for a desired product, or such requests may be generated automatically from time to time so that coupons may be obtained from vendors which have not registered with and which therefore do not push coupon information to the user's My Transactions database.

(Gobburu, Col. 22, lines 42-59, Fig. 21, emphasis added.)

Thus, the profile and schedule matching function 2148 is part of the mobile advertising and coupons application 2140 that provides ticketing and coupon transactions and is able to request coupons for products. Based upon the description of the mobile advertising and coupons application in Gobburu, the applicant submits that the queries from the profile and schedule matching function is merely an alternative to manual coupon requests. For these reasons, the applicant submits that Gobburu does not disclose or suggest of using the user profile to produce a menu of options for data input selection by a user. For these reasons, the applicant submits that Gobburu does not disclose or suggest the claim limitations of obtaining a second

menu list of words or phrases based on the first selection of at least one of the words or phrases in the first menu list and the user profile information.

For the reasons discussed above, the applicant submits that claim 1 is not unpatentable over Wilson in view of Gobburu. Claims 2 and 5-10 depend from claim 1 and are not unpatentable over Wilson in view of Gobburu for the same reasons discussed with regards to claim 1.

Claim 23 includes the limitations that the first and the second series of user word or phrase menu selections are based upon a user profile associated with the user. Again, the applicant submits that Gobburu does not disclose or suggest the limitations of menu selections based upon a user profile. As discussed above, Gobburu only discloses that the use of the user profile in obtaining coupons. The applicant submits that Gobburu does not disclose or suggest the claim limitations wherein the first series and the second series of user word or phrase menu selections are based upon a user profile associated with the user. For the same reasons discussed above with respect to claim 1, claim 23 is not unpatentable over Wilson in view of Gobburu.

Claim 24 includes the limitations that the receiving steps of words or phrases of the initial menu are from the user to specify that the words or phrases are selected by the user. Claim 24 also includes the limitation that the subsequent menu of words or phrases is based upon a profile of the user. For the same reasons discussed above with respect to claim 1, the applicant submits that Gobburu does not disclose or suggest the limitations of a menu of words and phrases that is based upon a user profile. Thus, claim 24 is not unpatentable over Wilson in view of Gobburu. Claims 25-28 depend from claim 24 and are similarly not unpatentable over Wilson in view of Gobburu.

Claim 29 also includes the limitation of obtaining a second menu list of words or phrases based on the first selection of at least one of the words or phrases in the first menu list and the user profile information. The applicant submits that Gobburu does not disclose or suggest a menu of words and phrases based upon the user profile associated with the user. The applicant submits that claim 29 is not unpatentable over Wilson in view of Gobburu. Claims 30-33 depends from claim 29 and are similarly not unpatentable over Wilson in view of Gobburu for the same reasons discussed above in claim 1.

Claims 1-2, 5-10 and 23-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wilson, in view of Narasimham. Claim 12 was amended to add the limitations: selecting a first word or phrase by the user, receiving a second series of user word or phrase menu selections biased with respect to a user profile associated with the user of the mobile computing device, selecting a second word or phrase by the user of the mobile computing device and constructing one or more phrases, sentences or questions from the first word or phrase and the second word or phrase. As discussed above with respect to claim 1, Narasimham does not disclose or suggest a menu of words and phrases based upon the user profile associated with the user. Thus, the applicant submits that Narasimham also does not disclose or suggest a menu of words and phrases that is biased with respect to the user profile and claim 1 is not unpatentable over Wilson in view of Narasimham. Claims 2 and 5-10 depend from claim 1 and are not unpatentable over Wilson in view of Narasimham for the same reasons discussed with respect to claim 1.

Claim 23 includes the limitations that the first and the second series of user word or phrase menu selections are based upon a user profile associated with the user. The applicant submits that Narasimham does not disclose or suggest the limitations of menu selections based upon a user profile. For the same reasons discussed above with respect to claim 1, claim 23 is not unpatentable over Wilson in view of Narasimham.

Claim 24 includes the limitations that the subsequent menu of words or phrases is based upon a profile of the user. For the same reasons discussed above with respect to claim 1, the applicant submits that Narasimham does not disclose or suggest the limitations of a menu of words and phrases that is based upon a user profile. For the same reasons discussed above in claim 1, claim 24 is not unpatentable over Wilson in view of Narasimham. Claims 25-28 depends from claim 24 and are similarly not unpatentable over Wilson in view of Narasimham.

Claim 29 also includes the limitation of obtaining a second menu list of words or phrases based on the first selection of at least one of the words or phrases in the first menu list and the user profile information. The applicant submits that Narasimham does not disclose or suggest a menu of words and phrases based upon the user profile associated with the user. The applicant submits that claim 29 is not unpatentable over Wilson in view of Narasimham. Claims 30-33 depends from claim 29 and are similarly not unpatentable over Wilson in view of Narasimham for the same reasons discussed above in claim 1.

Appl. No. 10/006,930  
Amdt. Dated May 23, 2007  
Reply to Office Action of February 23, 2007

Applicant respectfully requests that the above described amendments be made part of the official record in the present application, and respectfully submit that support for the claim amendments is present in the specification, claims, and drawings as originally filed, and that no new matter has been added.

If there are any shortages, the Examiner is authorized to charge our Deposit Account Number 04-0822.

Respectfully submitted,  
DERGOSITS & NOAH LLP

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By: Paul Tomita  
Paul Tomita  
Reg. No.: 43,193